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Drawing Amendments

There are no amendments to the drawings.

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Remarks

This a full and timely response to the outstanding Final Office Action mailed on 09/08/2006. Claims 1, 2, 4, 6-7, 12-13, 15, 17-18, 23-24, 26, 28-29, 34-35, 37, 39-40, 45-46, 48, 50-51, 56, and 59-60, were rejected under 35 U.S.C. §103(a) as unpatentable over U.S. Patent Application Publication No. 2004/0198461 of D.J. Coombes (hereafter referred to as Coombes) in view of U.S. Patent No. 6,216,016 of G.T. Cronin (hereafter referred to as Cronin). In addition, claims 3, 25, and 47, were rejected under 35 U.S.C. §103(a) as unpatentable over Coombes in view of Cronin and further view of U.S. Patent No. 6704,565 of W.G. Parson, et al. (hereafter referred to as Parson). Also, claims 8, 10-11, 19, 21, 22, 30, 32, 33, 41, 43-45, 52, 54, 55, 57, and 58, were rejected under 35 U.S.C. §103(a) as unpatentable over Coombes in view of Cronin and further view of Parson. Finally, claims 61-63 were rejected under 35 U.S.C. §103(a) as unpatentable over Coombes in view of Parson and further view of Cronin. No claims are being canceled. Claims 12 and 34 are being amended. However, the amendments to these claims are simply to cancel material which renders them similar in scope to original claim 56; hence will require no additional searching for the Examiner.

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Rejection of Claims 1, 4, 6, 7, 11 23, 24, 26, 28, 29, 46, 48, 50, 51, 59, and 60 under 35 U.S.C. §103(a) over Coombes in view of Cronin

Claim 1 recites:

A method for alerting a calling party of a delay before an incoming call will be answered by a user of a called telecommunication terminal, comprising the steps of:
answering the incoming call by the telecommunication terminal in response to an input from the user when the telecommunication terminal is not engaged in another call;
muting an audio path of the answered call from communication with the user;
receiving a time specifying the delay from the user after the incoming call is received;
inserting the time into a predefined message; and
transmitting the predefined message that is selected by the user to the calling party.

The Office Action states that the steps of receiving, inserting, and transmitting are not disclose or suggested by Coombes but states that Cronin does teach these three steps. Applicant respectfully traverses this assertion. The first text cited by the Office Action does indeed describe a predefined message but does not disclose or suggest receiving a time specifying the delay from the user after the incoming call is received and inserting the time into the predefined message. Rather, Cronin discloses the periodic transmission of a predefined message (waiting message) at some fixed interval to the calling party (Column 1, lines 34-61). In particular, this cited text clearly states:

The device comprises message generation means for generating a waiting message intended for the calling party, that

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the device comprises first initiating means for initiating periodic transmission of the waiting message to the calling party... Herewith, the calling party is informed that his call is being answered and that the called party wants to talk to him after a relatively short waiting.... Because of the receiving the message periodically, the calling party is aware of the fact that the called party's telecommunication device is on hold and that his call most likely will be answered... The waiting message could have the contents "please wait a moment", "please, wait a moment, I am going to find a more suitable room for answering your call", or the like, and could be repeated every 20 or 30 seconds, for instance.

There is no disclosure or suggestion of receiving a time specifying the delay from the user after the incoming call is received and inserting that time into the predefined message in the above cited text. Applicant would appreciate it if the Examiner would explain where such a disclosure or suggestion is found in the cited text.

The second text cited by the Office Action from Cronin was at Column 4, lines 45-54. This second cited text simply describes with respect to Figure 4 how the operations described in the first cited text would be performed but does not disclose or suggest receiving a time specifying the delay from the user after the incoming call is received and inserting that time into the predefined message as recited in claim 1.

The third cited text of the Office Action from Cronin also simply describes the operations of the first cited text with respect to Figures 5 and 6 but also does not disclose or suggest receiving a time specifying the delay from the user after the incoming call is received and inserting that time into the predefined message. Once again, applicant would

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appreciate it if the Examiner would point out where the disclosure or suggestion is found in the second and third cited text.

Applicant respectfully submits that claim 1 is patentable under 35 U.S.C. §103(a) in view of the cited art.

Dependent claims 4, 6, 7, 11 and 60 are directly or indirectly dependent on claim 1 and are patentable for at least the same reasons as set forth with respect to claim 1.

Independent claim 23 and dependent claims 24, 26, 28, and 28, and independent claim 45 and dependent claims 46, 48, 50, and 51, are patentable for at least the same reasons as claims 1, 4, 6, 7, and 11.

Rejection of Claims 3, 25, 47, 61, 62, and 63 under 35 U.S.C. §103(a) over Coombes in view of Cronin and further in view of Parson

Claim 3 recites:

A method for alerting a calling party of a delay before an incoming call will be answered by a user of a called telecommunication terminal, comprising the steps of:
answering the incoming call by the telecommunication terminal in response to an input from the user when the telecommunication terminal is not engaged in another call;
muting an audio path of the answered call from communication with the user;
transmitting a message that is selected by the user to the calling party; and
terminating the incoming call after transmission of the message.

With respect to the step of terminating, the Office Action states "Parson teaches terminating the incoming call after transmission of the message (C2, L60-67, C3, L1-28 page

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wireless telephone 300 leave message and terminate call which read on terminating the incoming call after transmission of the message)." Applicant transverses this interpretation of Parson. What the text at Column 2, lines 60-67, states is:

The on-hold message service system 200 provides a holding party, such as a party using wireless telephone 300, with a way to terminate an on-hold call will leaving a message for the hold initiating party, such as the party using the second telephone 400. The on-hold message service could be offered, for example, as a feature by the communication network provider. Communication network providers typically offer an array of communication

However, claim 3 clearly recites that the called telecommunication terminal performs the steps of answering, muting, transmitting a message, and terminating the incoming call after transmission of the message. Parson does not disclose or suggest this since in Parson it is the calling telecommunication terminal (wireless telephone 300) that is sending a message and terminating the call.

Applicant respectfully submits that claim 3 is patentable under 35 U.S.C. 103(a) over the cited art. Dependent claim 61 is directly dependent on claim 3 and is patentable for at least the same reasons as claim 3.

Applicant respectfully submits that claims 25, 47, 62, and 63 are patentable for at least the same reasons as claims 3 and 61.

Rejection of Claims 12, 13, 15-18, 23, 24, 26, 28, 29, 46, 48, 50, and 51 under 35 U.S.C. §103(a) over Coombes in view of Cronin

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Amended claim 12 recites:

A method for alerting a calling party of a delay before an incoming call will be answered by a user of a called wireless handset, comprising the steps of:

answering the incoming call by the wireless handset in response to a predefined amount of movement of the wireless handset when the telecommunication terminal is not engaged in another call;

muting an audio path of the answered call from communication with the user; and

transmitting a message that is selected by the user to the calling party.

The rejection of claim 12 is respectfully traversed.

Claim 12 recites in part "answering the incoming call by the wireless handset in response to a predefined amount of movement of the wireless handset...." Coombes, Cronin, and Parsons do not disclose or suggest singularly or in combination the answering of an incoming call upon a predefined amount of movement of the handset being detected.

As amended, claim 12 is now similar to claim 56. In rejecting claim 56, the Office Action stated on page 4 "means for detecting movement of the communication terminal; and means for transmitting a message to the calling party upon detection of the incoming call and movement (Abstract, Paragraphs [0008], [0011-0012], [0014] teach mobile/terminal communication receiving call and put call on hold means as detecting movement of the communication terminal and users select message to transmit to the calling party as Fig. 2 illustrate)." Applicant's attorney has carefully read the cited paragraphs and finds no disclosure or suggestion of detecting movement. Applicant's attorney would appreciate it if the

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Examiner would particularly point out where in the cited paragraphs the detection of movement is disclosed or suggested.

Applicant respectfully submits that amended claim 12 is patentable under 35 U.S.C. §103(a) over the cited references.

Dependent claims 13-18 are directly or indirectly dependent on amended claim 12 and are patentable for at least the same reasons as amended claim 12.

Claims 34, 35, and 37-40 are patentable for the same reasons as claims 13-18.

Claim 56 is patentable for the same reasons as claim 12.

Rejection of Dependent Claims 8, 10, 11, 19, 20-22, 30, 32, 33, 36, 41-44, 52, 54, 55, 57, and 58 under 35 U.S.C. §103(a) over Coombes in view of Cronin and further in view of Parson

Dependent claims 8, 10, 11, 19, 20-22, 30, 32, 33, 36, 41-44, 52, 54, 55, 57, and 58 are directly or indirectly dependent on independent claims that have been shown in the preceding paragraphs to be patentable over the cited references since for these dependent claims Parson was only cited as disclosing text messaging. Hence, dependent claims 8, 10, 11, 19, 20-22, 30, 32, 33, 36, 41-44, 52, 54, 55, 57, and 58 are patentable for at least the same reasons as their independent claims.

Summary

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In view of the foregoing, applicant respectfully requests consideration of claims 12 and 34, as amended, and reconsideration of the remaining claims as presently in the application, and allowance of these claims.

Although the foregoing is believed to be dispositive of the issues in the application, if the Examiner believes that a telephone interview would advance the prosecution, the Examiner is invited to call applicant's attorney at the telephone number listed below.

Respectfully,

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By



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Date: 11/07/2006

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